

REMARKS

This Amendment is submitted in response to the Office Action mailed on October 18, 2005. Claims 6, 7 and 13 are pending, and all stand rejected at present. Claims 14 - 20 are added. No fee is due.

The word "system" was added to claim 6, to make clear that "each" means "each system," and not "each collection."

Support for the added claims can be found in the Specification at the following locations, and others,

Claim	Location of Support
14, 15, 16	Page 32, line 24 - page 33, line 23
17	Page 7, lines 12 - 14
18	Page 27, line 5 et seq.
19	Page 29, lines 1 - 6
20	page 26, lines 20 - 30

RESPONSE TO 102 - REJECTIONS

Claims 6, 7, and 13 were rejected on grounds of anticipation, based on the GSPT95 reference.

Claim 6

Point 1

Claim 6 recites, in part:

6. (Currently amended): An expedited

method of assembling software systems,
comprising the following steps:

a) fabricating a collection of software systems, each
of which system contains

i) a processing module (PROC_MOD) which processes
content of messages;

ii) a single packaging module (PAK_MOD) which
packages said messages into packets for transport
out of the system;

The Office Action relies on

-- an "authentication module" in GSPT95 to
show the claimed "processing module" of claim

6(a)(i)

and

-- a "settlement module" to show the claimed
"packaging module" of claim 6(a)(ii).

However, the claim recites that the "messages" which are
packaged are the same "messages" which are **processed**.

More precisely, the claim recites that the "messages" which
are **packaged** by the packaging module are the **same** "messages" which
are **processed** by the processing module.

That is not present in the reference, for several reasons.

Reason 1

The claim states that the

. . . packaging module (PAK_MOD) . . .
packages said messages into packets for
transport out of the system.

The reference does not show that "said messages," which are processed by the PROC_MOD in claim 6(a)(i), are later packaged and transported "out of the system."

Nor has it been shown that the "said messages," processed by the PROC_MOD of claim 6(a)(i), are packaged by the PAK_MOD as in claim 6(a)(ii), and transported.

To show these recitations, at a minimum,

-- the authentication module in the reference
must process messages, as claimed,
and

-- the settlement module must package "said
messages," and transport them, as claimed.

Neither has been shown.

Reason 2

This reason will rebut a possible interpretation of the reference.

The reference states that some element is passed by the authentication process to "the external financial institution." (Page 4, last paragraph - page 5, first paragraph.) Is that element the claimed "message" ? No, as will now be shown.

The claimed "message" is processed by the PROC_MOD, which the Office Action asserts is shown by the reference's authentication module. The authentication module processes the data discussed in item 5 on page 4 of the reference.

However, that data is not passed to the external financial institution. One reason is that the purpose of the authentication module is to send a "Yes" or "No" to the external financial institution (to authorize a transaction). The purpose is **not** to relay all information it receives to the financial institution.

Thus, the data in question in the reference is not passed to the financial institution. The data in question cannot correspond to the claimed "message."

Further, under the claim, the "message" must be packaged by a PAK_MOD, and then transported. That has not been shown. It has not been shown that the reference's settlement module (which is used to show the PAK_MOD) packages and transports "said messages" as claimed.

Stated more simply, in the reference, the data processed by the authentication module is not packaged and sent out of the system by the settlement module. Something else is sent out, to the financial institution. That something else does not correspond to the claimed message.

Reason 3

Under the PTO's interpretation of claim 6(a)(i) and (ii), the settlement module of the reference receives the "message" processed by the authentication module.

Applicant respectfully submits that this interpretation is not correct.

The reference states that the authentication module performs "authorization" and "authentication." Those steps process data described in the reference. (Page 4, items 5 through 7.) But that data is not sent to the settlement module.

Instead, the settlement module receives a "transaction," and enters it into a "log." (Page 5, item 7, last paragraph.)

There is no reason to store the data processed during "authorization" and "authentication" in any settlement log. Nor does the reference describe such storage.

Therefore, no "message" as in claim 6(a)(ii) is found in the reference.

If such a message were present, it would be the "message" of claim 6(a)(i). That would require that the data processed by the authentication module, as in items 5 - 7 on page 4, be transmitted to the settlement module. No such transmission has been described.

Nor has storage of that data in the settlement module been described.

Interim Conclusion

Claims 6(a)(i) and (ii) are not found in the reference.

Point 2

The Office Action asserts that the "settlement modules" of the reference show the PAK_MOD of claim 6.

Applicant points to Figure 2 of the reference. That Figure shows **multiple** settlement modules in a **single** payment switch.

Claim 6(a) states that "each" "software system" "contains" a "**single**" PAK_MOD. The reference does not show that. Figure 2 shows **multiple** settlement modules.

The claimed **single** PAK_MOD is not found in the reference. And the reference shows the contrary: multiple such modules.

Point 3

Applicant submits that no "system control module" as in claim 6(a)(iv) has been shown in the reference.

The Office Action, page 4, states that this "module" is found in the "payment system software" of the reference. However, that does not identify a "module" which is distinct from the other modules supposedly found in the reference.

For example, Applicant asks: "What does the 'payment system software' do which is not done by the authentication, settlement, and authorization processes of the reference ? And where is this

described ?"

Thus, no **separate** "system control module," as claimed, has been identified.

Further, the claim states that the "system control module" "coordinates" the processes of claim 6(a)(i), (ii), and (iii). Applicant cannot locate such "coordination" in the reference and requests, under 37 CFR §§ 1.104(c)(2) and 35 U.S.C. § 132, that the "coordination" be identified.

MPEP § 2131 states:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Point 4

Claim 6(b)(iii)(A) states that every PAK_MOD module contains a "software unit A."

The Office Action, page 4, asserts that this "software unit A" is found in a certain type of functionality which is present in the settlement modules of the reference, which are used to show the PAK-MOD modules.

However, this amounts to double-counting of the settlement modules, to show both

- (1) the PAK-MOD modules of claim 6(a) and

(2) the "software unit A" of claim 6(b).

Double-counting is not allowed. The MPEP section, cited immediately above, requires that every claim recitation be shown in the references.

From another point of view, in the reference, if the "software unit A" provides the functionality asserted (ie, providing the "common interface"), then the settlement modules alone (without software module A) **lack** that functionality. That is, the settlement modules without software unit A cannot act as the common interface.

Consequently, the settlement modules alone do not qualify as the PAK_MODs of claim 6(a)(ii): they lack the common interface. They cannot perform the function recited in claim 6(a)(ii).

The Office Action admits this. On page 5, top, it states: "[Without software module A] the modules would not be capable of providing the adapted functionality."

Therefore, the Office Action states that the settlement modules require software unit A in order to function as claimed. Thus, settlement-module-plus-A must be used to show the PAK_MOD of claim 6(a)(ii). Nothing is left to show the "software unit A" for claim 6(b)(iii)(A).

Point 5

Contrary to Point 4, above, claim 6(b)(iii) could be

interpreted as merely setting forth the contents of the PAK_MODs, which contents perform the packaging recited in claim 6(a)(ii). Under this interpretation, the claim passage may be found in the reference.

However, Applicant submits that the structure of the claim does not allow this interpretation. For example, if software unit B is required for the packaging, then the PAK_MODs lacking software unit B could not perform packaging.

Therefore, Applicant submits that the only reasonable interpretation of the claim is that the PAK_MOD of claim 6(a)(ii) performs packaging, as claimed, and that the software units A, B, and C perform other tasks, but are contained within the PAK_MOD modules.

The reference does not show this.

Point 6

Claim 6(iii) states that

- some PAK_MODs contain B but no C,
- and
- some PAK_MODs contain C but no B.

The Office Action asserts that the reference shows this because the settlement modules interface with different networks. The Office Action asserts that one settlement module would be equipped with only B for one network, and another with only C for

another network.

However, this difference has not actually been shown in the reference. The difference must be shown.

Further, the same result (ability to interface with different networks) can be attained if **all** settlement modules contain **both** B and C. Thus, if the reference states that a module must interface with different networks, it may accomplish that by inclusion of B and C with all modules. That is contrary to the claim.

In fact, this latter interpretation is consistent with Figure 2 of the reference. That Figure shows **multiple** authentication- and settlement modules in a **single** payment switch.

Why are multiple settlement modules present, if all are identical? They must be of different types, such as B and C. But they are in the same switch, contrary to the claim.

This latter conclusion is further supported by the reference, page 5, last paragraph, which states:

We have created a modular library of authentication techniques, and have written settlement modules for multiple financial networks in response to merchant requirements.

The Abstract, and other locations, of the reference indicate that the Internet is being used as a communication network.

Therefore, it is clear that the "multiple financial networks"

identified on page 5, last paragraph, are reached through the Internet. Thus, a given payment switch must be able to handle those multiple financial networks. Consequently, that payment switch would not be configured for a **single** network, but for **multiple** networks. Both B and C would be present, contrary to the claim.

Point 7

Claim 6(b) states that (1) **identical** CONTROL modules, and (2) **identical** COM_MOD modules are contained in **all** of the systems.

The Office Action, in purporting to find PAK_MODs having (1) B without C and (2) C without B for claim 6(b)(iii), asserts that **different systems** will communicate with **different networks**. Thus, the Office Action concludes, the PAK_MODs will be different: some will contain only B, others will contain only C.

However, the claim states that the CONTROL module "coordinates" the PAK_MODs (and other modules). If the PAK_MODs are different, as the PTO asserts, then the CONTROL modules must also be different.

Consequently, if the PTO's assertion is correct as to claim 6(b)(iii)(B) and (C) (asserting that the PAK_MODs are different), then claim 6(b)(i) cannot be found in the reference. The reason is that the CONTROL modules must then be **different**, to "coordinate" the **different** PAK_MODs.

A similar comment applies to claim 6(b)(ii). The COM_MOD modules must be different.

Conclusion

Applicant submits that the reference does not show claim 6.

CLAIM 7

The discussion above applies to claim 7.

In addition, claim 7 states:

7. (Currently amended): Method according to claim 6, wherein step b) includes:

iv) fabricating PROC_MOD modules in all of the software systems, such that each system contains a single PROC_MOD module, and:

A) copies of a software unit D is contained in every PROC_MOD module;

B) some PROC_MOD modules contain a software unit E with no unit F; and

C) ~~some~~ some PROC_MOD modules contain a software unit F with no unit E.

In brief: Applicant points out that Figure 2 of the reference is directly contrary to claim 7.

The Office Action asserts that the "authentication module" of the reference show the claimed PROC_MOD module.

The Office Action asserts that, if

-- authentication module no. 1 performs a

certain set of functions, and
-- authentication module no. 2 performs a
different set of functions,
then
-- module no. 1 can be said to contain unit
E without F, and
-- module no. 2 can be said to contain F
without E.

Figure 2 of the reference, and its discussion in the text,
show multiple authentication modules. Multiple modules are present
because they perform different functions.

Therefore, the claimed **single** PROC_MOD is not present.

Figure 2 of the reference is contrary to the claim.

CLAIM 13

Claim 13 is considered patentable, based on its parents.

ADDED CLAIMS

New claim 14 states that a software unit can be added to a
different PAK_MOD. The reference does not show that. And the
PTO's interpretation of the reference is contrary. The PTO
interprets the software unit as being found in a function of a
piece of software. But a function does not imply a unit which can
be added to another module.

New claim 15 states that a software unit can be added to a different PAK_MOD, and the unit has separate existence. The reference does not show that. The comment to claim 14 applies here.

New claim 16 states that A, B, and C are not needed for the packaging. If not, then claim 16(b)(iii) is not reciting properties of the PAK_MOD which performs the packaging, but is setting forth units (A, B, C) which are added to the packaging module. No additions to a packaging module are found in the reference.

New claim 17 states that the "message" of claim 6 contains data relating to bank checks. The reference does not show that.

New claim 18 states that the "message" of claim 6 contains data relating to bank checks, and a digital signature. The reference does not show that.

New claim 19 states that the data of claim 18 includes a number indicating a bank for each check, and a step of verifying correctness of the number. The reference does not show that.

New claim 20 recites steps undertaken with respect to the data indicating bank checks. The reference does not show these steps.

Response to 112 - Objections

Point 1

In response to the phrase "and these host systems range from

proprietary systems to UNIX and Windows NT systems," contained in the third paragraph of the DETAILED DESCRIPTION OF THE INVENTION (the paragraph beginning with "Thirdly . . ."), Applicant points out that UNIX is already capitalized.

Further, the undersigned attorney believes that a Federal District Court has held the term "Windows" to be generic, and thus not subject to trademark protection.

Nevertheless, in the interest of furtherance of prosecution of this application, "Windows" has been re-written in upper-case letters. This is not an admission that the term is a valid trademark, because the undersigned attorney simply does not know.

Point 2

Objection was made to a passage on page 4, lines 3 - 4, of the Specification, on the grounds that the passage suggests that "UNIX and WINDOWS NT are not proprietary trademarks associated with proprietary operating systems."

Applicant points out that the language of the Specification states several the following.

-- That electronic payment systems can be proprietary (as when a small company designs, builds, and operates the system).

-- That electronic payment systems can be built around the UNIX or Windows operating

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system.

The latter statement in no way suggests that UNIX or Windows is non-proprietary. The overall statement merely contrasts (1) a payment system built around a UNIX or Windows operating system, with (2) an entirely proprietary system (which may have no operating system.)


Nevertheless, in the interest of furthering prosecution, the passage has been re-written.

CONCLUSION

Applicant expresses thanks to the Examiner for the careful consideration of this application.

Applicant requests that the rejections be withdrawn, and all claims be passed to issue.

Respectfully submitted,


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February 1, 2006
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